

REMARKS

This communication is filed in response to the Office Action dated January 4, 2012 (hereinafter “*Office Action*”).

Claims 9, 14-16, 25, 30-32, 41, 46-48, 71, 73, & 75 are amended, claims 1-8, 10-13, 17-24, 26-29, 33-40, 42-45, 49-70, 72, 72, & 76 are canceled, and no claims are added; as a result, claims 9, 14-16, 25, 30-32, 41, 46-48, 71, 73, & 75 are now pending in this application.

The amendments are supported by, at least, the original claims as well as page 69, lines 17-19, of Applicants’ as-filed specification.

The Rejection of Claims Under § 103(a)

The Examiner rejected claims 9, 11-15, 25, 27-31, 41 and 43-47 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,397,221 to Greef et al. (hereinafter “*Greef*”).

As the Supreme Court stated in *KSR Int'l Co. v. Teleflex Inc.*,¹ the factual inquiries announced in *Graham v. John Deere*² (scope and content of the prior art; differences between the claimed invention and the prior art; level of ordinary skill in the art; and secondary indicia of non-obviousness), remain the foundation of any determination of obviousness.³ It remains true that “[t]he determination of obviousness is dependent on the facts of each case.”⁴ Applicants will show that, under the facts of this case, independent claims 9, 25, and 41, and their respective dependent claims, are patentable over *Greef*.

¹ *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007).

² *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966).

³ See Examination Guidelines Update: Developments in the Obviousness Inquiry After *KSR v. Teleflex*, Federal Register / Vol. 75, No. 169 / Wednesday, September 1, 2010 / Notices, p. 53644 (hereinafter “2010 KSR Guidelines”).

⁴ *Sanofi-Synthelabo v. Apotex, Inc.*, 550 F.3d 1075, 1089 (Fed. Cir. 2008) (citing *Graham*, 383 U.S. at 17-18 (1966)).

Each of independent claims 9, 25, and 41, as amended, recites, in part,

providing a plurality of category entries to be displayed in a display window, said plurality of category entries being indicative of a categorization of a plurality of items that are available to be included in a computerized transaction;

detecting a selection of a category entry of said plurality of category entries in said display window;

in response to said detection of said selection of said category entry, providing a plurality of subcategory entries to be displayed in said display window, said plurality of subcategory entries being further indicative of said categorization of said plurality of items;

detecting a selection of a subcategory entry of said plurality of subcategory entries in said display window;

receiving a specification of a category number that uniquely identifies a combination of said category entry and said subcategory entry;

receiving an additional specification of said category number; and

based on said receiving of said additional specification of said category number-automatically reselecting said category and said subcategory in said display window.

Although *Greef* discusses a database that is “hierarchically arranged and presented” as “an alternative to relational databases”⁵ and that a “record identifier could be, for example, the tabular attribute model number, the model number for the product being an identifier likely to receive recognition across presentation formats,”⁶ *Greef* does not teach or suggest “receiving a specification of a category number that uniquely identifies a combination of [a] category entry and [a] subcategory entry,” as recited in each of independent claims 9, 25, and 41. Instead, *Greef* merely discusses “enables the user to select a tabular product attribute to act as general identifier for products in the hierarchical frame structure.” Here, the “model number” discussed in *Greef* is an example of one such tabular attribute. *Greef* does not teach or suggest that the “model number” (or any such tabular attribute for a product) identifies a combination of a category entry and a subcategory entry that was previously selected.

⁵ *Greef* at col. 2, lines 61-67 and col. 3, lines 1-6.

⁶ *Greef* at col. 18, lines 42-46).

Additionally, *Greef* does not disclose "receiving an additional specification of said category number," much less "based on said receiving of said additional specification of said category number automatically reselecting said category and said subcategory in said display window," as recited in each of independent claims 9, 25, and 41.

In fact, *Greef* teaches away Applicants' claims. In particular, *Greef* states the following:

Typically, product names, model numbers or other form of designators are disposed, in rows as record identifiers, followed by columns of product features; i.e., product attributes, which define the product, or vice versa, i.e., columns of product names and rows of attributes. As will be appreciated, to access a product record, commonly, either the user has to designate a product name, model number, or enter a descriptive, product-feature word strings to locate the product desired. However, such record access procedures are difficult for shoppers who don't know what model names or numbers to ask for, or who don't understand what features will be appropriate to put in a string search, or indeed, who don't really know what they are exactly looking for. And, as might be expected, this problem becomes even more difficult where the shopper spectrum includes individuals having different levels of product awareness, and diverse ages, educational, and community backgrounds. As will be appreciated, the less sophisticated the shoppers, the more difficult it is for them to appreciate the search process, understand product jargon, and discriminate between product features.⁷

Thus, *Greef* disparages the idea of using a number (e.g., a "model number") to locate a desired product, stating "[a]t the least, the approach of moving from category to subcategory and sub-subcategory avoids the risk of causing the uninitiated shopper to mistakenly compare apples and oranges when trying to make his purchase selection."⁸

⁷ *Greef* at col. 2, lines 40-60.

⁸ *Greef* at col. 3, lines 2-7.

In other words, *Greef*'s approach, which focuses on enabling the user to use generally understood categories and subcategories to find items, teaches away from, at least, the following elements of each of independent claims 9, 25, and 41:

receiving a specification of a category number that uniquely identifies a combination of said category entry and said subcategory entry;

receiving an additional specification of said category number; and
based on said receiving of said additional specification of said category number-automatically reselecting said category and said subcategory in said display window

For the above reasons, Applicants respectfully request that the Examiner withdraws the rejection of claims 9, 11-15, 25, 27-31, 41 and 43-47 under 35 U.S.C. § 103(a).

The Examiner rejected claims 16, 32, 48, 58, 59, 62, 63, 66, 67, 71, 73, and 75 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Greef* in view of U.S. Patent Application Publication No. 2005/0071251 A1 to Linden et al (hereinafter "*Linden*"). However, any claim depending from an allowable independent claim is also allowable.⁹ Therefore, these dependent claims are patentable for at least the same reasons as discussed above with respect to the independent claims on which they depend. Additionally, each of these dependent claims may be patentable for its own reasons. Accordingly, Applicants respectfully request that the Examiner withdraws the rejection of claims 16, 32, 48, 58, 59, 62, 63, 66, 67, 71, 73, and 75 under 35 U.S.C. § 103(a).

⁹ See MPEP § 2143.03.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to contact the undersigned representative by email (kiverson@slwip.com) or phone ((408) 660-2016) to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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